IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

MFA.No. 1270 of 1999(B)

OPMV.1271/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUR
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APPELLANT: PETITIONER

ABOOBACKER (MINOR) S/O.MUHAMMED,
REP.BY HIS FATHER AND NATURAL
GUARDIAN MUHAMMED, S/O.ABOOBACKER
@ UNNI KUZHIMANA, VATTAMKULAM AMSOM,
UDINIKKARA DESOM, PONNANI TALUK.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS: RESPONDENTS
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1. **TALAPPIL ABOOBACKER, S/O.BAVA,**
   EZHUVATHURUTHI, P.O. PONNANI,
   PONNANI TALUK. (OWNER OF VEHICLE KRM 2728.)

2. **MADAMPARAMBIL NANU, S/O. APPUKUTTAN,**
   EZHUVATHURUTHI, PONNANI P.O.,
   (DRIVER OF VEHICLE KRM 2728).

3. **THE NEW INDIA ASSURANCE CO. LTD.,**
   AMBADI BUILDING, PONNANI,
   INSURER OF VEHICLE KRM 2728,
   POLICY NO.101005/31/50/6/35795/91.

4. **THE UNITED INDIA INSURANCE,**
   CORPORATION LTD., PONNANI

BY ADV. SRI.M.K.CHANDRA MOHANDAS - R1
SRI.M.A.GEORGE - R4

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.No.1270 OF 1999

Dated 10th July, 2007

JUDGMENT

Koshy,J.

Appellant at the age of seven met with an accident by which he sustained head injury with minor disability. Doctor certified 10% disability by Ext.A12 certificate. The Tribunal calculated compensation taking notional annual income of Rs.12,000/= as accident occurred on 28.10.1991 and the boy was not earning. 15 was taken as the multiplier. For loss of future earning capacity Rs.18,000/= was awarded and Rs.5,000/= was awarded for disability. A Full Bench of this court held that compensation for disability and loss of earning capacity cannot be granted separately. The main case is that the entire medical expenses were not reimbursed, but, only the acceptable bills were reimbursed. Total amount awarded was Rs.62,000/= with 12% interest from 2.6.97. The application for granting interest from the date of application was not allowed because the real insurance company was impleaded only from 2.6.1997. Considering the total amount awarded and also

considering the nature of injuries, we are of the opinion that just and reasonable compensation was awarded.

The appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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